

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cloey Romans	Team: Squad #07	CCRB Case #: 202204266	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/29/2022 10:52 PM, Wednesday, 06/29/2022 11:30 PM	Location of Incident: 141st Street and Malcolm X Blvd 142nd Street and Malcolm X Blvd	18 Mo. SOL 12/29/2023	Precinct: 32		
Date/Time CV Reported Thu, 06/30/2022 12:37 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Thu, 06/30/2022 12:37 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Michael Delia	18222	963953	PBMN SU PST
2. PO Hansel Salcedo	16775	961228	PBMN SU PST

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Alyssa Trigueno	16087	957226	PBMN SU PST

Officer(s)	Allegation	Investigator Recommendation
A. PO Michael Delia	Abuse: Police Officer Michael Delia stopped an individual (brother) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	
B. PO Michael Delia	Abuse: Police Officer Michael Delia frisked an individual (brother) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	
C. PO Michael Delia	Abuse: Police Officer Michael Delia searched an individual (brother) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	
D. PO Michael Delia	Abuse: Police Officer Michael Delia failed to provide an individual (brother) with a business card at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	
E. PO Michael Delia	Abuse: Police Officer Michael Delia stopped an individual (cousin) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	
F. PO Michael Delia	Abuse: Police Officer Michael Delia frisked an individual (cousin) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	
G. PO Michael Delia	Abuse: Police Officer Michael Delia searched an individual (cousin) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	

Officer(s)	Allegation	Investigator Recommendation
H.PO Michael Delia	Abuse: Police Officer Michael Delia failed to provide an individual (cousin) with a business card at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.	
I.PO Michael Delia	Abuse: Police Officer Michael Delia stopped § 87(2)(b) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
J.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo stopped § 87(2)(b) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
K.PO Michael Delia	Abuse: Police Officer Michael Delia stopped an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
L.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo stopped an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
M.PO Michael Delia	Abuse: Police Officer Michael Delia stopped an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
N.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo stopped an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
O.PO Michael Delia	Abuse: Police Officer Michael Delia searched an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
P.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo searched an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
Q.PO Michael Delia	Abuse: Police Officer Michael Delia searched an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
R.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo searched an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
S.PO Michael Delia	Abuse: Police Officer Michael Delia interfered with § 87(2)(b) use of a recording device at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
T.PO Michael Delia	Abuse: Police Officer Michael Delia failed to provide an individual (brother) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
U.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo failed to provide an individual (brother) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
V.PO Michael Delia	Abuse: Police Officer Michael Delia failed to provide an individual (cousin) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	

Officer(s)	Allegation	Investigator Recommendation
W.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo failed to provide an individual (cousin) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
X.PO Michael Delia	Abuse: Police Officer Michael Delia failed to provide § 87(2)(b) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
Y.PO Hansel Salcedo	Abuse: Police Officer Hansel Salcedo failed to provide § 87(2)(b) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

## Case Summary

On June 30, 2022, § 87(2)(b) filed this complaint in-person with IAB, generating log § 87(2)(b).

At approximately 10:52 p.m. on June 29, 2022, § 87(2)(b) was standing at the intersection of West 141<sup>st</sup> Street and Malcolm X Boulevard, Manhattan. § 87(2)(b) was standing on the east side of Malcolm X Boulevard and § 87(2)(b) younger brother, who is a minor and who § 87(2)(b) declined to provide any identifying information for, stood across the street on the west side of Malcolm X Boulevard. § 87(2)(b) brother was approached by Police Officer Michael Delia of Patrol Bureau Manhattan North who informed him that he was playing music too loudly, then proceeded to stop and frisk § 87(2)(b) brother (**Allegations A and B: Abuse of Authority – § 87(2)(g)**). Nothing was recovered from § 87(2)(b) brother and PO Delia left the location without providing him with a business card (**Allegation C: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) alleged that his brother was also searched during the stop (**Allegation D: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) alleged that his brother was with their cousin, who § 87(2)(b) also declined to provide the information of, when the stop occurred and that their cousin was also stopped, frisked, searched, and not provided a business card (**Allegations E-H: Abuse of Authority – § 87(2)(g)**).

Approximately 30 minutes later, at 11:30 p.m. on June 29, 2022, § 87(2)(b) his brother, and their cousin began walking home. One block north of the original stop and at the intersection of Malcolm X Boulevard and West 142<sup>nd</sup> Street, Manhattan, Police Officer Hansel Salcedo of Patrol Bureau Manhattan North and PO Delia stopped § 87(2)(b) his brother, and his cousin (**Allegations I-N: Abuse of Authority – § 87(2)(g)**). After stopping the three men, PO Delia and PO Salcedo allegedly searched § 87(2)(b) brother and cousin (**Allegations O-R: Abuse of Authority – § 87(2)(g)**) and removed § 87(2)(b) cell phone from his hand while he was recording the incident (**Allegation S: Abuse of Authority – § 87(2)(g)**). Nothing was recovered from § 87(2)(b) his brother, or his cousin, and no arrests or summons were issued. PO Delia and PO Salcedo reentered their vehicle and left the location without providing their business cards (**Allegations T-Y: Abuse of Authority – § 87(2)(g)**).

§ 87(2)(g), § 87(4-b)

Two Body-worn Camera (BWC) videos were yielded, both from Sgt. Johnny Mitchell of the 23<sup>rd</sup> Precinct. The BWC videos capture § 87(2)(b) filing his complaint in-person and do not capture the incidents with PO Delia, PO Salcedo, or PO Triguero (Board Review 01 and 02). Surveillance video was obtained from Deli Food Corp and captures the first incident (Board Review 08). No other video evidence was yielded.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Michael Delia stopped an individual (brother) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

**Allegation (B) Abuse of Authority: Police Officer Michael Delia frisked an individual (brother) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

**Allegation (C) Abuse of Authority: Police Officer Michael Delia searched an**

**an individual (brother) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

**Allegation (D) Abuse of Authority: Police Officer Michael Delia failed to provide an individual (brother) with a business card at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

There are apparent discrepancies between civilian testimony, officer testimony, and what is captured on surveillance and cell phone video. Despite this, there are universal threads in each account, including the inception of the encounter stemming from music being played too loudly from a Bluetooth speaker and the fanny pack worn by § 87(2)(b) brother. With these disputing versions weighed against one another, the investigation finds the objective credible account is an amalgamation of elements found in § 87(2)(b) testimony, officer testimony, and what is captured on surveillance and cell phone video.

Surveillance video obtained from a deli located at West 141st Street and Malcolm X Boulevard captures § 87(2)(b) brother standing on the corner, with a black fanny pack around his chest. § 87(2)(b) brother is standing on the corner for approximately 8 minutes, with no Bluetooth speaker visible and without appearing to engage in any criminality during this time, when at the 54:39 time stamp, an unmarked police vehicle stops alongside him. PO Delia approaches from off-screen and immediately frisks § 87(2)(b) brother's fanny pack and pockets. Nothing is recovered and no pockets are entered, nor is the fanny pack opened. PO Salcedo exits the vehicle from the driver's position and watches the interaction but does not approach § 87(2)(b) brother or PO Delia. After frisking § 87(2)(b) brother, PO Delia has a short conversation with him and then enters the front passenger seat of the police vehicle. The police vehicle drives away and there is no further interaction captured. A second male civilian approaches § 87(2)(b) brother and speaks with him, before also walking away. Two more male individuals approach § 87(2)(b) brother, at the 58:02 time stamp, and speak for several minutes before also dispersing along with § 87(2)(b) brother shortly afterward (Board Review 08).

§ 87(2)(b) made a cell phone video recording when he was stopped by PO Delia and PO Salcedo. Despite several attempts, the investigation was unable to obtain this video. § 87(2)(b) filed his complaint in person at the 32nd Precinct Stationhouse and the complaint was taken by Sgt. Johnny Mitchell. Sgt. Mitchell recorded two BWC videos from within the stationhouse while he was taking § 87(2)(b) complaint (Board Review 01 and 02). In these BWC recordings, § 87(2)(b) can be seen showing Sgt. Mitchell the cell phone video he recorded. Sgt. Mitchell watches § 87(2)(b) cell phone video multiple times and writes down the name of an officer who he identifies by watching the video; this officer's name and shield number are, "PO Delia" and "18222" (beginning at the 09:29 time stamp) (Board Review 02). The IAB complaint taken by Sgt. Mitchell is linked in the case file and reflects Sgt. Mitchell's observation of the cell phone video and the narrative provided by § 87(2)(b) inside the stationhouse (Board Review 07).

§ 87(2)(b) was standing at the intersection of West 141<sup>st</sup> Street and Malcolm X Boulevard, Manhattan. § 87(2)(b) was standing on the east side of Malcolm X Boulevard and § 87(2)(b) younger brother, who is a minor and who § 87(2)(b) declined to provide any identifying information for, stood across the street on the west side of Malcolm X Boulevard. § 87(2)(b) brother was smoking marijuana in cigarette form and was listening to music on a Bluetooth speaker. A marked police vehicle pulled alongside § 87(2)(b) brother and directed him to turn the music down. No officer exited the vehicle and § 87(2)(b) did not recall any further details regarding these officers. After directing § 87(2)(b) brother to turn the music down, the police vehicle immediately drove away. § 87(2)(b) brother initially turned the music down but approximately two minutes later, the Bluetooth speaker died and stopped playing music altogether.

Approximately five minutes later, an unmarked police vehicle pulled alongside § 87(2)(b) brother and three officers exited, PO Delia, PO Salcedo, and PO Trigueno. PO Delia told § 87(2)(b) brother that the officers had received a complaint regarding loud music, then immediately began frisking § 87(2)(b) brother. PO Delia opened the fanny pack that was around § 87(2)(b) brother's chest. The fanny packs contained only marijuana and upon observing this, PO Delia stated, "It's just drugs. It's just drugs" and did not remove the contents. § 87(2)(b) yelled across the street to ask the officers what they were doing, but he received no response. Immediately upon completing the stop, frisk, and search of § 87(2)(b) brother, PO Delia, PO Salcedo, and PO Trigueno immediately reentered their vehicle and left the location without providing § 87(2)(b) brother with a business card (Board Review 03).

PO Salcedo stated he and PO Delia observed an individual, who PO Salcedo identified as § 87(2)(b) during his CCRB testimony but stated he never learned the name of during the incident, playing music from a Bluetooth speaker near West 141<sup>st</sup> Street and Malcolm X Boulevard. PO Salcedo and PO Delia approached the individual and PO Delia said, "Hey, can you turn that down?" The individual became immediately aggressive and began "yelling profanities" at PO Delia. § 87(2)(b) referred to the officers as, "cocksuckers" and complained of prior police interactions, though PO Salcedo denied recalling what these interactions were. PO Salcedo denied having any interaction with the individual and stated he was interacting with only PO Delia. PO Salcedo did not recall where his other partner PO Trigueno was during the interaction, but believed she remained in the police vehicle. § 87(2)(b) then began recording PO Delia on his cell phone, which emanated a bright light. Because § 87(2)(b) had begun making a video recording on his cellphone, the music he had been playing on the Bluetooth speaker stopped. PO Delia and PO Salcedo then walked away from the individual without engaging with him further because the music had stopped. PO Salcedo denied that he or PO Delia ever frisked or searched the individual. PO Salcedo denied recalling if any other civilians were present with the individual. PO Salcedo and PO Delia reentered their vehicle and left the location. PO Salcedo stated no business cards were provided because the individual was not stopped. PO Salcedo denied having any interaction with the individual again and denied recalling that he and PO Delia interacted with the same individual or individuals twice in the same evening. PO Salcedo was shown the surveillance footage (Board Review 08) and PO Salcedo denied that the video refreshed his recollection of the incident. PO Salcedo denied recognizing himself in the video but stated on the incident date he was the operator of the police vehicle. PO Salcedo denied that he was the officer in the video who conducts a stop and frisk and denied being able to identify the officer shown (Board Review 05). PO Delia and PO Trigueno both denied having any recollection of the incident. During their CCRB testimonies, both officers were informed of the general contours of the incident and both officers denied recalling interacting with any individual regarding loud music. Both officers were shown the surveillance footage (Board Review 08). PO Delia stated he did not believe the police vehicle shown was his because he did not think their vehicle on the incident date had tinted windows, but beyond that, the make, model, and color of the vehicle were the same. PO Delia denied recognizing the officers or civilian in the video. PO Delia stated he did not believe the officer in the video was him because he had a tattoo on his upper arm which he did not think he could see in the video. PO Delia denied stopping and frisking an individual on the incident date. PO Trigueno, when shown the surveillance video, denied that the video refreshed her recollection of the incident and denied recognizing the officers. PO Trigueno stated that based on the officers' positioning in the vehicle on the incident date, PO Salcedo was the driver, she was the rear passenger, and PO Delia was the front passenger seat (Board Review 04 and 06).

§ 87(2)(b) made a cell phone recording on the incident date, though the investigation was unable to obtain said recording. The cell phone video is seen on Sgt. Mitchell's BWC video (Board Review 01 and 02). The cell phone video does not capture § 87(2)(b) or his brother's first

interaction with PO Delia or PO Salcedo and captures their later interaction with officers.

NYPD Patrol Guide 212-11 finds that when a persons' freedom of movement is restricted and they are temporarily detained, it is categorized as a Level III encounter, or a Terry Stop. Such enforcement must be rooted in reasonable suspicion that the person has committed, is committing or is about to commit a felony or Penal Law misdemeanor, at which point the member of service may stop and detain for the purpose of conducting a criminal investigation. The officer must have a particularized and objective basis for suspecting the person stopped of the criminal conduct. The officer must be able to articulate specific facts establishing justification for the stop; hunches or gut feelings are not sufficient. A member of service may frisk a person during a Level III stop if at any point during the encounter, the member of service has a reasonable suspicion that the person is armed and dangerous (Board Review 09). Patrol Guide 212-11 derives its legal precedent from People v. De Bour, 40 N.Y.2d 210 (Board Review 10).

Both PO Salcedo and PO Trigueno testified to an identical positioning of the officers in their police vehicle on the incident date, with PO Salcedo as the driver, PO Delia as the front passenger, and PO Trigueno as the rear passenger. This positioning of the officers is corroborated in the surveillance video and indicates PO Delia was the officer who stopped and frisked § 87(2)(b) brother, then entered the police vehicle's front passenger seat. This identification is further corroborated by the physical description provided by § 87(2)(b) of the officer who stopped and frisked his brother, which is consistent with PO Delia's height, weight, age, and race. Finally, PO Salcedo testified that PO Delia interacted with § 87(2)(b) brother on the incident date. The investigation finds that PO Delia stopped and frisked § 87(2)(b) brother at 10:52 p.m. on June 29, 2022, at the intersection of West 141st Street and Malcolm X Boulevard.

In the eight minutes § 87(2)(b) brother is on surveillance video before being approached by PO Delia, he engages in no criminal or evasive actions. Additionally, PO Delia offered no explanation for the frisk, such as an observable bulge of a weapon or alternative explanations. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and officer testimony is inconsistent on the allegation of whether § 87(2)(b) brother or his fanny pack were searched. The surveillance video obtained reflects that no such search took place and that § 87(2)(b) brother's fanny pack was not opened or entered by PO Delia at 10:52 p.m. on June 29, 2022, at the intersection of West 141st Street and Malcolm X Boulevard.

§ 87(2)(g)

NYC Administrative Code 14-174 finds that an officer shall offer a business card to persons at the conclusion of any such activity that does not result in an arrest or summons, including pedestrian stops where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will (Board Review 11). NYPD Patrol Guide 212-11 finds that Level II and Level III encounters that do not result in a summons or arrest require officers to offer a Right to Know Business Card (Board Review 09).

Members of service are required to provide business cards after any Level II or III stop which does not end in arrest or summons. As addressed in Allegations A and B, § 87(2)(b) brother was stopped and frisked by PO Delia, but not arrested or summonsed. These contours are consistent

with a Level III stop. Surveillance video illustrates that PO Delia reentered his vehicle after the encounter and did not provide § 87(2)(b) brother with a business card, in violation of NYPD procedure.

§ 87(2)(g)

**Allegation (E) Abuse of Authority: Police Officer Michael Delia stopped an individual (cousin) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

**Allegation (F) Abuse of Authority: Police Officer Michael Delia frisked an individual (cousin) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

**Allegation (G) Abuse of Authority: Police Officer Michael Delia searched an individual (cousin) at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

**Allegation (H) Abuse of Authority: Police Officer Michael Delia failed to provide an individual (cousin) with a business card at 10:52 p.m. on 06/29/2022 at the intersection of West 141st Street and Malcolm X Boulevard, Manhattan.**

§ 87(2)(b) alleged that when his brother was stopped, their cousin was with § 87(2)(b) brother and that he also was stopped, frisked, and searched by PO Delia before PO Delia left without providing a business card (Board Review 03).

PO Delia, PO Salcedo, and PO Triguero provided consistent testimony that they could not recall whether or not § 87(2)(b) brother was with any other individuals when he was stopped (Board Review 04, 05, and 06).

Surveillance video shows that although several individuals approached and spoke to § 87(2)(b) brother after his encounter with PO Delia, at the time in which § 87(2)(b) brother was stopped, he was not with a second individual (Board Review 08).

Surveillance video captures no evidence of § 87(2)(b) cousin being present with § 87(2)(b) brother when approached by PO Delia. No individual is seen being stopped, frisked, searched, or not provided with a business card alongside § 87(2)(b) brother when he is stopped and frisked.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (I) Abuse of Authority: Police Officer Michael Delia stopped § 87(2)(b) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (J) Abuse of Authority: Police Officer Hansel Salcedo stopped § 87(2)(b) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (K) Abuse of Authority: Police Officer Michael Delia stopped an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (L) Abuse of Authority: Police Officer Hansel Salcedo stopped an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street**



**and Malcolm X Boulevard, Manhattan.**

**Allegation (M) Abuse of Authority: Police Officer Michael Delia stopped an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (N) Abuse of Authority: Police Officer Hansel Salcedo stopped an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

§ 87(2)(b) crossed the street to speak with his brother and their cousin about what had happened. Approximately twenty minutes later, the three men decided to go back to § 87(2)(b) apartment. § 87(2)(b) wife, § 87(2)(b) and her friend joined. § 87(2)(b) his brother, their cousin, § 87(2)(b) and her friend began walking north on Malcolm X Boulevard. § 87(2)(b) observed the same unmarked vehicle which had stopped his brother and cousin approximately twenty minutes earlier traveling toward them, southbound on Malcolm X Boulevard. Once the vehicle observed the group, it made an abrupt right turn onto the sidewalk of West 142nd Street and Malcolm X Boulevard, preventing the group from continuing to walk. § 87(2)(b) advised § 87(2)(b) and her friend to continue walking, which they proceeded to do. PO Delia, PO Salcedo, and PO Trigueno then exited the vehicle. PO Delia and PO Salcedo approached § 87(2)(b) his brother, and their cousin. § 87(2)(b) did not recall what PO Trigueno did and did not recall if he had any interaction with her. PO Delia and PO Salcedo told § 87(2)(b) his brother, and their cousin that the officers had received a report regarding the robbery of a speaker. § 87(2)(b) did not recall how PO Delia and PO Salcedo phrased this information, but § 87(2)(b) believed that he, his brother, and their cousin were being stopped in regard to this allegation (Board Review 03).

PO Delia and PO Trigueno both initially denied having any recollection of the incident. Both officers were shown Sgt. Mitchell's BWC video which captures § 87(2)(b) cell phone video. Upon being shown said video, PO Delia identified himself in the video, saying he recognized his appearance and voice. PO Delia stated that despite confirming himself in the video, it did not refresh his recollection of the incident and he was unable to testify to what was captured in the video. When PO Trigueno was shown Sgt. Mitchell's BWC video, she stated he recognized both PO Salcedo and PO Delia in the video but did not see or hear herself. PO Trigueno denied that the video refreshed her recollection of the incident (Board Review 04 and 06). As addressed in Allegations A-D, PO Salcedo recalled stopping an individual who was playing loud music but did not recall any further details of the interaction. PO Salcedo denied recalling stopping the same individual or individuals twice on the incident date. PO Salcedo was shown Sgt. Mitchell's BWC video and confirmed that it captured both him and PO Delia, but stated the video did not refresh his recollection of the incident. Upon being asked about the portion of the video in which § 87(2)(b) refers to the officers as "dick suckers," PO Salcedo stated he remembered being called this by § 87(2)(b) and that this is what he had previously referred to in his testimony regarding § 87(2)(b) use of profanity, but beyond this similarity, PO Salcedo denied recalling any further details of his interaction with § 87(2)(b) (Board Review 05).

Sgt. Mitchell's BWC video captures § 87(2)(b) show Sgt. Mitchell a cell phone video of his second interaction with PO Delia and PO Salcedo (beginning at the 01:27 time stamp) (Board Review 02). Sgt. Mitchell is initially holding the cell phone out of frame of his BWC, and the video cannot be clearly seen. What can be seen through the BWC video is initially § 87(2)(b) saying,

"Look again, these dick suckers. What's going on, bro? What did I do?" (at the 01:32 time stamp). An unknown voice appears to respond, "What's in the bag? Stop turning away." § 87(2)(b) responds, "Back up. Bro, walk." An officer responds something inaudible. § 87(2)(b) then says, "We're going, go." The officer says, "We just want to make sure you don't got anything." § 87(2)(b) replies, "Is he being detained?" and an officer says, "No, we're just talking to him." § 87(2)(b)

§ 87(2)(b) his brother, his cousin, nor the officers' actions are visible based on the vantage point of Sgt. Mitchell's BWC (Board Review 02).

PO Salcedo, PO Delia, and PO Trigueno all confirmed that the cell phone video shown in Sgt. Mitchell's BWC video contains PO Delia and PO Salcedo interacting with § 87(2)(b). The portion of the cell phone video shown in Sgt. Mitchell's BWC video corroborates that § 87(2)(b) interacted with PO Delia and PO Salcedo, and that § 87(2)(b) was with at least one other civilian when this took place. As PO Trigueno is not seen or identified in the video and § 87(2)(b) did not testify that she participated in the stop, no allegations have been pleaded against PO Trigueno.

PO Salcedo's and § 87(2)(b) testimony are consistent that their interaction was initiated by music being played too loudly from a Bluetooth speaker. A discrepancy exists between the frequency and details of their encounters. PO Salcedo contends he and PO Delia only interacted once with § 87(2)(b) and PO Salcedo could only confirm § 87(2)(b) as being present during this interaction. Despite this, PO Delia, PO Trigueno, and PO Salcedo identified PO Delia and PO Salcedo in the cell phone video recorded by § 87(2)(b) during his second interaction with officers. Therefore, the investigation finds the second encounter did in fact occur.

The investigation finds that § 87(2)(b) his brother, and his cousin interacted with PO Salcedo and PO Delia at approximately 11:30 p.m. on June 29, 2022. However, the contours of this interaction are disputed. PO Delia and PO Salcedo did not recall the second interaction or any details of it. § 87(2)(b) alleged that he, his brother, and his cousin were forcibly detained. The BWC video obtained, which contains a minor and distorted view of § 87(2)(b) cell phone video, does not corroborate or refute either party. There are no indications within the video that § 87(2)(b) his brother, and his cousin were detained in a manner to constitute a forcible stop, and there are also no indications to the contrary that they were free to go at any time. § 87(2)(g)

§ 87(2)(g)

**Allegation (O) Abuse of Authority: Police Officer Michael Delia searched an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (P) Abuse of Authority: Police Officer Hansel Salcedo searched an individual (brother) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (Q) Abuse of Authority: Police Officer Michael Delia searched an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (R) Abuse of Authority: Police Officer Hansel Salcedo searched an individual (cousin) at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (S) Abuse of Authority: Police Officer Michael Delia interfered with § 87(2)(b) use of a recording device at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (T) Abuse of Authority: Police Officer Michael Delia failed to provide an individual (brother) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (U) Abuse of Authority: Police Officer Hansel Salcedo failed to provide an**

**individual (brother) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (V) Abuse of Authority: Police Officer Michael Delia failed to provide an individual (cousin) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (W) Abuse of Authority: Police Officer Hansel Salcedo failed to provide an individual (cousin) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (X) Abuse of Authority: Police Officer Michael Delia failed to provide § 87(2)(b) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

**Allegation (Y) Abuse of Authority: Police Officer Hansel Salcedo failed to provide § 87(2)(b) with a business card at 11:30 p.m. on 06/29/2022 at the intersection of West 142nd Street and Malcolm X Boulevard, Manhattan.**

§ 87(2)(b) stated that PO Delia and PO Salcedo then searched § 87(2)(b) brother's and cousin's fanny packs again. The only contents were still the marijuana. The officers did not seize or voucher the marijuana. § 87(2)(b) took out his cell phone and began recording PO Delia and PO Salcedo searching his brother and cousin. § 87(2)(b) cell phone emanates a bright light when making a video recording at night. PO Delia removed the flashlight from his belt and began shining in § 87(2)(b) camera and face, while telling § 87(2)(b) "Stop shining that light in my face." PO Delia grabbed the cell phone out of § 87(2)(b) hand. § 87(2)(b) said, "I'm not shining it in your face, you're shining your light in mine" then grabbed his cell phone back out of § 87(2)(b) hand. PO Delia did not respond or attempt to take the cell phone again. § 87(2)(b) did not recall what PO Salcedo or PO Triguero were doing during this time. PO Delia put his flashlight back into his belt, then he, PO Salcedo, and PO Triguero reentered their vehicle and immediately left the location. No summons or business cards were issued. § 87(2)(b) his brother, and their cousin had no further interaction with PO Delia, PO Salcedo, or PO Triguero (Board Review 03).

PO Delia, PO Salcedo, and PO Triguero denied having recollection of stopping § 87(2)(b) his brother, and his cousin at approximately 11:30 p.m. near West 142<sup>nd</sup> Street and Malcolm X Boulevard. Upon being shown Sgt. Mitchell's BWC video which captures said occurrence, PO Delia, PO Salcedo, PO Triguero denied that it refreshed their recollection of the incident. PO Delia denied stopping, frisking, searching, or failing to provide a business card to any individual on the incident date. PO Salcedo denied stopping, frisking, searching, or failing to provide a business card to any individual on the incident date. Both officers denied interfering with any video recording or recording device (Board Review 04, 05, and 06).

Sgt. Mitchell's BWC video shows PO Delia and PO Salcedo stopping § 87(2)(b) and his group, but no frisk or search is captured, nor is the conclusion of PO Delia and PO Salcedo's interaction with § 87(2)(b) his brother, and their cousin, nor is an interference with the cell phone recording captured (Board Review 01 and 02).

The cell phone video seen in Sgt. Mitchell's BWC video corroborates PO Delia and PO Salcedo's second stop of § 87(2)(b) his brother, and his cousin, but the video does not capture a frisk, a search, an interference with recording device, or PO Delia and PO Salcedo leaving the location without providing business cards. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 12).
- PO Michael Delia has been a member of service for five years and has been a subject in six CCRB complaints and 34 allegations, none of which were substantiated. § 87(2)(g)
- PO Hansel Salcedo has been a member of service for seven years and has been a subject in six CCRB complaints and 13 allegations, none of which were substantiated. § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 17, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 13).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 7

Investigator:	Cloey Romans	Inv. Cloey Romans	April 25, 2023
	Signature	Print Title & Name	Date

Squad Leader:	Manager Vanessa Rosen	June 4, 2023
	Signature	Print Title & Name
		Date

Reviewer:			
	Signature	Print Title & Name	Date